THE DECLARATION, VOTES, and ORDER of Assistance of both Houses of PARLIAMENT,

Concerning the Magazine at *Hull*, and Sir *John Hotham* Governour thereof.

AND

His Majesties Answer thereunto.

With the Statute of 11 H. 7. cap. 1. mentioned in the said Answer.

Published together by His Majesties Command.

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The Declaration, Votes, and Order of Aſſiſtance of both Houſes of Parliament, Concerning the Magazine at *Hull*, and Sir *Iohn Hotham* Governour thereof.

THe Lords and Commons in Parliament, finding juſt cauſe to fear, not onely the deſperate deſignes of Papiſts, and others of the maglignant partie at home, but alſo the malice of Enemies, incited by them from abroad, Thought it neceſſary for the ſafetie of this Kingdom, to ſecure the Town of *Kingſton* upon *Hull*, being one of the moſt conſiderable places for ſtrength, and affording the beſt conveniencie for Landing of Forreign Forces; And where a great part of the Magazine of the Kingdom for that time was placed; And for that end appointed Sir *Iohn Hotham*, one of the Members of the Houſe of Commons, being a Gentleman of the ſame County, of a conſiderable Fortune, and approved Integrity, to take upon him the government of that Town, and to draw thither ſome of the Trained Bands for the Guard thereof: In which apprehenſion and reſolution thereupon taken, they are the more confirmed by the ſight of ſome intercepted Letters of the Lord *Digby*, (a principall perſon of that partie) written to the Queen and Sir *Lewis Dives*, whereby that partie diſcovered an endeavour to perſwade His Majeſtie to declare Himſelf, and retire into ſome place of ſafetie in this Kingdom, in oppoſition to wayes of Accommodation with His people, and to give the better opportunity to himſelf, and other dangerous perſons to reſort thither; which could have no other end but to incline His Majeſtie to take Arms againſt His Parliament and

good Subjects, and miserably to imbroil this Kingdom in civill Wars.

About which time Captain *Legg* (a man formerly imployed in the practice of bringing up the Army against the Parliament) had direction by Warrant produced by him, under the Kings hand and signe Manuall, to enter *Kingston* upon *Hull*, and to draw thither such of the Trained Bands as he should think fit: And that the Earl of *Newcastle* came thither in a suspicious way, and under a feigned name, and did endeavour to possesse himself of the said Town, by vertue of the like Warrant and Authoritie.

They further conceiving, that the Magazine there being of so great importance to this Kingdom, would be more secure in the Tower of *London*, did humbly Petition His Majestie to give His consent the same might be removed, which notwithstanding His Majestie did refuse; And thereupon some few ill affected persons about the Citie of *York*, took upon them the presumption, in opposition to the desires, & in contempt of both Houses, to Petition His Majestie to continue the Magazine at *Hull*, Alleadging it to be for the safetie of His Majestie, (as if there could be a greater care in them of His Majesties Royall Person then in His Parliament) And His Majestie, the next day after the delivery of that Petition, being the three and twentieth of this instant April, took occasion thereupon to go to the Town of *Hull*, attended with about four hundred Horse, (the Duke of *York*, and the Prince *Elector* being gone thither the day before), and required Sir *John Hotham* to deliver up the Town into His hands: Who perceiving His Majestie to be accompanied with such Force as might have mastered the Garrison of the Town; And having received intelligence of an intention to deprive him of his life, in case the King should be admitted, informed His Majestie of the trust reposed in him by both Houses of Parliament, and that he could not, without breach of that trust, let Him in; beseeching His Majestie to give him leave to send to the Parliament, to acquaint them with His Majesties commands, and to receive their directions thereupon, which he would do with all expedition. Which Answer His Majestie was not pleased

ſed to accept of; but preſently cauſed him and his Officers to be proclaimed Traitours before the Walls of the Town, and thereupon diſpatched a Meſſage to both Houſes, therein charging Sir *John Hotham* with high Treaſon, and aggravating his offence, becauſe he pretended the Parliaments command, (In the mean while hindering him of all means of intelligence with the Parliament) For His Majeſtie immediatly cauſed all Paſſages to be ſtopped between him & them; And in purſuance of the ſame, one of his ſervants, who was ſent by him with Letters to the Parliament to inform them of the truth of thoſe proceedings, was apprehended, his Letters taken from him, and his perſon detained, whereby (contrary to the common libertie of every Subject) he was not onely deprived of means to clear himſelf of that heavie accuſation, but of all wayes of intercourſe, either to receive directions from them that truſted him, or to inform them what had happened.

The Lords and Commons finding the ſaid proceedings to be a high violation of the Priviledges of Parliament, of which His Majeſtie had in ſeverall Meſſages expreſſed Himſelf to be ſo tender; A great Infringement of the Liberttie of the Subject, and the Law of the Land, which His Majeſtie had ſo often lately profeſſed ſhould be the rule to govern by, and tending to the endangering of His Majeſties Perſon, and the Kingdoms peace; Thought fit, as well for the vindication of their own Rights and Priviledges, the Indemnity of that worthy perſon imployed by them, as for the cleering of their own proceedings, to publiſh theſe enſuing Votes, which were made upon a former relation that came from the King.

Die Jovis. 28. April. 1642.

Reſolved upon the queſtion.

THat Sir *John Hotham* Knight, according to this relation, hath done nothing but in Obedience to the Command of both Houſes of Parliament.

Reſolved, &c. That this declaring of Sir *John Hotham* Traitour, being a Member of the Houſe of Commons, is a high breach of the priviledge of Parliament.

Reſolved, &c That this Declaring of Sir *John Hotham* Traitour without due proceſſe of Law, is againſt the Libertie of the Subject, and againſt the Law of the Land.

¶ The Order of Aſſiſtance given to the Committees of both Houſes, concerning their going to *Hull*. April. 28. 1642.

WHereas the Earle of *Stamford*, the Lord *Willoughbie* of *Parham*, Sir *Edward Ayſcoghe*, Sir *Chriſtopher Wray*, Sir *Samuel Owfield*, and Maſter *Hatcher*, are, by the Lords and Commons in Parliament aſſembled, commanded to make their repair into the Counties of *York* and *Lincoln*, and the Town of *Kingſtone* upon *Hull*, for ſpeciall Service for His Majeſtie, and the Peace and Safetie of the Kingdom, and accordingly have received particular Inſtructions for their better direction therein; Theſe are to require all Lords-Lieutenants, and their Deputies, Sheriffs, Juſtices of the Peace, Majors, Bailiffs, Conſtables, and all other His Majeſties Officers and loving Subjects, to be aiding and aſſiſting unto them upon all occaſions, as need ſhall require.

His

His Majesties Answer

To the Declaration, Votes, and Order of Assistance of both Houses of Parliament, concerning the Magazine at *Hull*, sent May 4. 1642.

SInce Our gracious Message of the 24 of April last to both Houses of Parliament (demanding Justice for the high, and unheardof affront offered unto Us at the Gates of Hull by Sir John Hotham) is not thought worthy of an Answer; but that in stead thereof they have thought fit by their printed Votes of the 28. of April last, to own and avow that unparalleled Act of Sir John Hothams, to be done in obedience to the Command of both Houses of Parliament (though at that time he could produce no such Command) and with other Resolutions against Our Proceedings there, to publish a Declaration concerning that businesse, as an appeal to the People, and as if their entercourse with Us, and for Our satisfaction were now to no more purpose: though We knew this course of theirs to be very unagreeable to the Modestie of former times, and unwarrantable by any Precedents but what themselves have made; yet Weare not unwilling to joyn issue with them in this way, and to let all the world know, how necessary, just, and lawfull, all Our Proceedings have been in this Point, and that the defence of these Proceedings is, The defence of the Law of the Land, Of the Libertie and Propertie of the Subject, and that by the same Rule of Justice, which is now offered

fered to Us, all the private Interest and Title of all Our good Subjects to all their Lands and Goods are confounded and destroyed. Master Pym himself tells you, in his Speech against the Earle of Strafford (published by the Order of the House of Commons) The Law is the Safeguard; The Custodie of all private Interests; your Honours, your Lives, your Liberties, and Estates are all in the keeping of the Law; without this, every man hath a like right to any thing. And we would fain be answered, what Title any Subject of Our Kingdom hath to his House or Land, that We have not to Our Town of Hull? Or what right hath he to his Money, Plate, or Jewels, that We have not to Our Magazine or Munition there? If We had ever such a Title, We would know when We lost it. And if that Magazine and Munition (bought with Our own Money) were ever Ours; When, and how that Propertie went out of Us. We very well know the great and unlimited power of a Parliament, but We know as well, that it is onely in that sense, as We are a part of that Parliament. Without Us, and against Our Consent, the Votes of either, or both Houses together, Must not, Cannot, Shall not (if We can help it, for Our Subjects sake, as well as Our Own) forbid any thing that is enjoyned by the Law, or enjoyn any thing that is forbidden by the Law; But in any such alteration which may be for the peace and happinesse of the Kingdom, We have not, shall not refuse to consent: And We doubt not, but that all Our good Subjects will easily discerne in what a miserable insecurity & confusion they must necessarily, and inevitably be, if Descents

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may be altered, Purchases avoided, Assurances and Conveyances cancelled, the Soveraign Legall Authority despised and resisted, by Votes or Orders of either, or both Houses: And this we are sure is Our case at Hull; And as it is Ours to day, by the same rule it may be theirs to morrow.

Against any desperate designes of the Papists, We have sufficiently expressed Our zeal and intentions, and shall be as forward to adventure Our own Life and Fortune to oppose any such Designes, as the meanest Subject in Our Kingdom.

For the Malignant Party, as the Law hath not to Our knowledge defined their condition, so hath neither House presented them to Us, under such a Notion as we may well understand whom they intend, and We shall therefore only enquire after, and avoid the Malignant Party under the Character of persons disaffected to the peace and Government of the Kingdom, and such who (neglecting and despising the Law of the Land) have given themselves other Rules to walk by, and so dispensed with their Obedience to Authority: Of these persons (as destructive to the Common Wealth) We shall take all possible Caution.

Why any Letters intercepted from the Lord Digby (wherein he mentions a Retreat to a place of Safety) should hinder Us from visiting Our own Fort, and how We have opposed any wayes of Accommodation with Our Parliament, and what wayes and Overtures have been offered in any way, or like any desire of such Accommodation, or whether Our Message of the 20. of January last

(so often in vain pressed by Us) have not sufficiently expressed Our earnest desire of it, let all the world judge: Neither is it in the power of any persons to enclyne Us to take Arms against Our Parliament, and Our good Subjects, and miserably to imbroil this Kingdom in Civil Wars. We have given sufficient evidence to the world how much Our Affections abhor, and Our heart bleeds at the apprehension of a Civil War; And let God and the World judge, if Our Care and Industry be onely to defend and protect The Liberty of the Subject, The Law of the Kingdom, Our own just Rights (part of that Law) and Our Honour (much more precious then Our Life) and if in opposition to these any Civil Wars shall arise, upon whose Account the Blood, and Destruction that must follow must be cast: God, and Our own conscience tels Us that We are clear.

For Captain Leggs being sent heretofore to Hull, (though by the way, this is the first time We ever heard that he was accused for the practice of bringing up the Army against the Parliament, neither do We yet know that there is such a Charge against him) or for the Earl of Newcastles being sent thither by Our warrant and Authority, We asked a Question long ago in Our Answer to both Houses concerning the Magazine at Hull, which We have cause to think is not easie to be answered: Why the general rumour of the designe of Papists in the northern parts, should not be thought sufficient ground for Us to put in such a person of Honour, Fortune, and unblemished Reputation (as the Earle of Newcastle is known to be) into a Town and Fort of

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Our own, where Our own Magazine lay; And yet the same rumour be Warrant enough to commit the same Town and Fort without Our consent to the hands of Sir John Hotham, with such a Power as is now too well known and understood. How Our refusall to have that Magazine removed upon the Petition of both Houses could give an advantage against Us to have it taken from Us; And whether it was a refusall, all men will easily understand who read Our Answer to that Petition, to which it hath not been yet thought fit to make any Reply.

For the Condition of those persons who presented the Petition to Us at York, (whom that Declaration calls, Some few ill affected persons about the Citie of York) to continue the Magazine at Hull, We make no doubt but that Petition will appear to be attested both in number and weight, by persons of Honour and Integritie, and much more conversant with the Affections of the whole County, then most of those Petitions which have been received with so much Consent and Approbation: And for their presumption of interposing their advice, We the more wonder at that Exception, when such encouragement hath been given, and thanks declared to multitudes of mean, unknown People, Prentices and Porters, who have accompanied Petitions of very strange natures.

For the manner of Our going to Hull, We have clearly set forth the same in Our Message to both Houses of that Businesse; And for any intelligence given to Sir John Hotham of an Intention to deprive him of his life; as We know there was no

such Intention in Us; having given him all possible assurance of the same at Our being there; so we are confident no such intelligence was given; Or if it were, it was by some villain, who had nothing but malice, or designe to fright him from his due Obedience, to warrant him. And Sir John Hotham had all the reason to assure himself, that his life would be in much more danger by refusing to admit his King into his own Town and Fort, then by yeelding Him that Obedience, which he owed by his Oathes of Allegiance and Supremacie, and the Protestation, and he well knew was due and warrantable by the Laws of the Land.

For the number of Our Attendants (though that could be no Warrant for such a disobedience in a Subject) it is well known (as we expressed in Our Message to both Houses, to which credit ought to have bin given) that We offered to go into the Town with twenty Horse onely; Our whole Train being unarmed: And whosoever thinks that too great an Attendance for Our Self, and Our two Sons, have sure an Intention to bring us to a meaner Retinue then they yet will avow.

Here is then Our Case (of which let all the world judge) We endeavoured to visit a Town and Fort of Our own, wherein Our own Magazin lay, a Subject in Defiance of Us shuts the Gates against Us, with armed men resists, denies and opposes Our Entrance, tels Us in plain terms, We shall not come in. We do not pretend to understand much Law, yet in the point of Trea-

son

ſon, We have had much Learning taught Us this Parliament, and if the ſenſe of the Statute 25. E. 3. cap. 2. be not very differing from the Letter, Sir Iohn Hothams Act was no leſſe then plain high Treaſon: And We had been contemptibly ſtupid, if We had (after all thoſe circumſtances of Grace and Favour then ſhewed him) made any ſcruple to proclaim him Traitour: And whether he be ſo or no, if he ſhall render himſelf, We will require no other Triall, then that which the Law hath appointed to every Subject, and which we are confident We have not (in the leaſt degree) in thoſe proceedings violated, no more then We have done the Priviledge of Parliament by endeavouring in a juſt way to challenge Our own unqueſtionable Priviledges: for that in ſuch a caſe, the declaring him Traitour, being a Member of the Houſe of Commons, without Proceſſe of Law, ſhould be a breach of Priviledge of Parliament (of which We are ſure none extends to Treaſon, Felonie, or breach of the Peace) againſt the Liberty of the Subject, or againſt the Law of the Land, We muſt have other Reaſons then bare Votes.

We would know if Sir John Hotham had (with thoſe Forces by which he kept Us out of Our Town of Hull) purſued Us to the gates of York (which he might as legally have done) muſt We have ſtaid from declaring him Traitour, till Proceſſe of Law might have iſſued againſt him? Will fears and jealouſies diſpenſe with reall and neceſſary formes, and muſt We, when actuall war is leavied upon Us, obſerve formes, which the Law it ſelf doth not enjoyne? The cauſe is truly ſtated,

let all the world judge (unleſſe the meer Sitting of a Parliament doth ſuſpend all Laws, and We are the onely Perſon in England againſt whom Treaſon cannot be committed) where the fault is: And whatſoever Courſe We ſhall be driven to for the Vindication of this Our Priviledge, and for the Recovery and Maintenance of Our known and undoubted Rights, We do promiſe in the preſence of Almighty God, and as We hope for his bleſſing in Our ſucceſſe, that We will to the utmoſt of Our Powers defend and maintain the true Proteſtant Profeſſion, the Law of the Land, the Liberty of the Subject, and the juſt Priviledge and freedom of Parliament.

For the Order of Aſſiſtance given to the Committees of both Houſes, concerning their going to Hull, We ſhall ſay no more, but that thoſe perſons named in that Order, We preſume will give no Commands, or Our good Subjects obey other, then what are warranted by the Law (how large and unlimited ſoever the Directions are, or the Inſtructions may be) for to that rule We ſhall apply Our own Actions, and by it require an account from other men. And that all Our good Subjects may the better know their dutie in matters of this nature, We wiſh them carefully to peruſe the Statute in the eleventh yeer of H. 7. Chap. 1.

We conclude with Maſter Pyms own words: If the Prerogative of the King overwhelm the Liberty of the People, it will be turned to Tyranny; If Liberty undermine the Prerogative, it will grow into Anarchy. And ſo We ſay into Confuſion.

Anno

Anno 11° Hen. 7. Cap. 1.

None that ſhall attend upon the King and do him true Service ſhall be attainted, or forfeit any thing.

THe King our Soveraign Lord calling to his remembrance the dutie of allegiance of his ſubjects of this his Realm, and that they by reaſon of the ſame are bound to ſerve their Prince and Soveraign Lord for the time being, in his Wars, for the defence of him and the Land, againſt every Rebellion, Power, and Might, reared againſt him, and with him to enter and abide in ſervice in battell, if caſe ſo require, and that for the ſame ſervice, what fortune ever fall by chance in the ſame battell, againſt the minde and will of the Prince (as in this land ſome time paſſed hath been ſeen) that it is not reaſonable, but againſt all Laws, reaſon, and good conſcience, that the ſaid Subjects going with their Soveraign Lord in Wars, attending upon him in his perſon, or being in other places by his commandment within this land or without, any thing ſhould loſe or forfeit for doing their true dutie and ſervice of Allegiance.

It be therefore Ordained, Enacted, and Eſtabliſhed by the King our Soveraign Lord, by the advice and aſſent of the Lords Spirituall, and Temporall, and the Commons in this preſent Parliament aſſembled, and by Authority of the ſame, That from henceforth no manner of perſon, or perſons whatſoever he or they be, that attend upon the King and Soveraign Lord of this Land for the time being, in his perſon, and do him true and faithfull ſervice of Allegiance in the ſame, or be in other places by his Commandment

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in his Wars, within this Land, or without: That for the said deed, and true duty of Allegiance, he, or they, be in no wise convict or attaint of high Treason, nor of other offences for that cause, by Act of Parliament, or otherwise by any processe of Law, whereby he or any of them shall lose or forfeit Life, Lands, Tenements, Rents, Possessions, Hereditaments, Goods, Chattels, or any other things: but to be for that deed and service utterly discharged of any vexation, trouble, or losse. And if any Act, or Acts, or other Processe of the Law hereafter, thereupon for the same happen to be made, contrary to this Ordinance, that then that Act, or Acts, or other Processe of the Law, whatsoever they shall be, stand and be utterly voyd. Provided alway, that no person, or persons shall take any benefit or advantage by this Act, which shall hereafter decline from his, or their said Allegiance.

FINIS.

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